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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

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11 UNITED STATES OF AMERICA,) No. CR 10-00690 EJD
12 Plaintiff,) STIPULATION AND [PROPOSED]
13 vs.) ORDER CONTINUING HEARING TO
14 ELIODORO MENDEZ-CEBALLOS,) SEPTEMBER 19, 2011, AND EXCLUDING
15 Defendant.) TIME UNDER THE SPEEDY TRIAL ACT
16 _____)

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STIPULATION

19 The parties, Eliodoro Mendez-Ceballos and the government, acting through their
20 respective counsel, hereby stipulate, subject to the Court's approval, that the status hearing date
21 currently set for July 18, 2011, be vacated and continued to September 19, 2011, at 1:30 p.m.

22 The reason for the requested continuance is the parties require additional time to
23 complete their negotiations regarding the terms of the proposed disposition, and counsels need to
24 effectively prepare. Additionally, defense counsel's investigation into issues relevant to those
25 settlement discussions remain on-going.

26 Accordingly, the parties agree and stipulate that time should be excluded from July 18,

1 2011, through and including September 19, 2011, under the Speedy Trial Act, 18 U.S.C. §
2 3161(h)(7)(A) and (B)(iv), for effective preparation and continuity of counsel. Accordingly, Mr.
3 Mendez-Ceballos and the government agree that granting the requested exclusion of time will
4 serve the interest of justice and the ends of justice outweigh the interest of the public and the
5 defendant in a speedy trial.

6 IT IS SO STIPULATED.

7 Dated: July 14, 2011

8 _____/s/ _____
9 VARELL L. FULLER
Assistant Federal Public Defender

10 Dated: July 14, 2011

11 _____/s/ _____
12 BRADLEY D. PRICE
13 Special Assistant United States Attorney
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17 [Proposed] ORDER

18 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
19 ORDERED that the status hearing currently set for July 18, 2011, shall be continued to
20 September 19, 2011, at 1:30 p.m.

21 THE COURT FINDS that failing to exclude the time between July 18, 2011, and
22 September 19, 2011, would unreasonably deny the government continuity of counsel, and
23 would unreasonably deny counsel the reasonable time necessary for effective preparation,
24 taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

25 THE COURT FURTHER FINDS that the ends of justice served by excluding the time
26 between July 18, 2011, and September 19, 2011, from computation under the Speedy Trial Act

1 outweigh the interests of the public and the defendant in a speedy trial.

2 THEREFORE, IT IS HEREBY ORDERED that the time between July 18, 2011, and
3 September 19, 2011, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C.
4 § 3161(h)(7)(A) and (B)(iv).

5 IT IS SO ORDERED.

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7 Dated: July 15, 2011

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9 
10 THE HONORABLE EDWARD J. DAVILA
11 United States District Judge

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